

### **REMARKS**

Claims 1-11 remain pending in the present application. Claims 1, 2 and 6-11 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1 through 5, 8 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. The claims have been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

As best can be understood in view of the indefiniteness of the claims, claims 1, 2 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Toyoshima et al. ('592).

The claimed invention introduces cool air flowing from a first air inlet (33) disposed lower than a second air inlet (34) to a face opening (37) disposed higher than a foot opening (38) through a bi-level mode bypass passageway (45), in a bi-level mode. In this structure, cool air is introduced to the face opening through the bi-level mode bypass passageway and blown from the face opening in the bi-level mode, even when first air inlet is located lower than the second air inlet. Also, heated air flowing from the second air inlet disposed higher than the first air inlet is introduced to the foot

opening disposed lower than the face opening. Accordingly, an appropriate blow temperature difference is ensured, and a head-cooling, foot-heating air distribution is provide, as described in Page 33, line 21 to Page 34, line 20.

In amended Claim 1, an air-conditioning case forms a first housing portion housing a heating heat exchanger (13) and a second housing portion disposed downstream of the first housing portion. A blow mode-changing door (39) is disposed in a door-housing portion (36) defined by the second housing portion to change an air blow mode from among a face mode, a foot mode, and a bi-level mode. Namely, the blow mode changing door is located downstream of the heating heat exchanger. When the blow mode-changing door is at a bi-level mode position, the bi-level mode bypass passageway (45) is defined between an extremity of the blow mode-changing door and an inner wall surface of the door-housing portion. Thus, the cool air is introduced from the first air inlet to the face opening through the bi-level mode bypass passageway.

In amended Claim 11, the door housing portion has a cylindrical shape and forms an expanded portion (44) on a circumferential surface thereof. The door is housed in the cylindrical door housing portion. The bi-level mode bypass passageway is defined inside the expanded portion. Thus, cooled air is introduced from the first air inlet to the face opening through the bi-level mode bypass passageway.

On the other hand, a door (12) of US 6,092,592, which is considered by the Examiner to correspond to the blow mode changing door of the claimed invention, is an air mix door and it is disposed upstream of a heating heat exchanger (8). Thus, the door (12) is different from the blow mode-changing door of the claimed invention. Further, US'592 fails to arrange the door in a cylindrical door housing portion and to

form a bi-level mode bypass passageway in the door housing portion, as defined in Claim 11. Accordingly, the structure of US'592 is different from the claimed structure.

Thus, Applicants believe Claim 1 and 11, as amended, patentably distinguish over the art of record. Likewise, Claim 2 which depends from Claim 1 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

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